

dog track was granted. The license was granted on May 19, 1989. Although moot, the referendum was held, resulting in a vote of 1,289 to 810 against the dog track proposal.

The dog track built in Hudson was a state-of-the-art facility costing some \$40 million. Construction, including state-mandated improvements to a highway exit and creation of a new access road to I-94, delayed the opening of the dog track until June 21, 1991. In contrast, the four other Wisconsin dog tracks had already been operating since the spring and summer of 1990. This delay cost the Hudson dog track dearly because, by June 1991, the advent of Indian gaming had radically transformed the landscape of gaming in both Wisconsin and neighboring Minnesota.

Indian gaming in Wisconsin and Minnesota had begun in earnest following the United States Supreme Court's 1987 decision in *California v. Cabazon Band of Mission Indians*, 480 U.S. 202, 210 (1987),²⁶ and the 1988 passage of the Indian Gaming Regulatory Act (IGRA), *see* Section II.B.1.b., *infra*. Indian casinos had become widespread by the time the Hudson dog track opened. All the Wisconsin tribes negotiated gaming compacts,²⁷ with each entitled to one or two casinos. The growing number of Indian casinos adversely affected all five of the dog- racing tracks in Wisconsin, but the Hudson dog track – located near several successful casinos in both Minnesota and Wisconsin – suffered most of all. In particular, the Mystic Lake Casino (operated by the Shakopee Mdewakanton Sioux in Prior Lake, Minn.), the Grand Casinos Hinckley and Mille Lacs (operated by the Mille Lacs Band in Minnesota), Treasure Island (operated by the

²⁶In *Cabazon*, the Supreme Court limited states' power to regulate gaming on Indian lands.

²⁷Gaming compacts, required under IGRA, are agreements negotiated between Indian tribes seeking to conduct gaming and states containing the proposed sites.